



ATTORNEYS AT LAW

33 South Sixth Street, Suite 4200
Minneapolis, Minnesota 55402
Tel. (612) 373-8800
Fax (612) 373-8881
www.stoel.com

September 3, 2019

MARC A. AL
Partner
Direct (612) 373-8801
marc.al@stoel.com

VIA EMAIL (NICOLE_FRATTO@ILND.USCOURTS.GOV) AND U.S. MAIL

Executive Committee
United States District Court for the Northern District of Illinois
Everett McKinley Dirksen United States Courthouse
219 South Dearborn Street
Chicago, IL 60604

Re: *Urban 8 Fox Lake Corp., et al. v. Nationwide Affordable Housing Fund 4, LLC, et al.*,
Case No. 18-cv-6109;
Urban 8 Danville Corp., et al. v. Nationwide Affordable Housing Fund 4, LLC, et al.,
Case No. 19-cv-3171

Dear Members of the Executive Committee:

We represent the Defendants in the above-reference cases, which cases were recently reassigned by the Committee to Judge Rowland from Judge Durkin. In a Friday afternoon letter to you, Plaintiffs sought reassignment back to Judge Durkin. In their letter, Plaintiffs mischaracterized the Defendants' position. To avoid arguments, but to ensure simultaneously that the current record is corrected, the full text of Plaintiffs' request and my response is set forth below.

From: Al, Marc
Sent: Friday, August 30, 2019 9:15 AM
To: Davenport, David
Cc: Loukas, Christina Rieck; Gordon, Jennifer L.; Caitlin Martini Mika
(caitlin.mika@arnoldporter.com); Stephen D. Koslow - Koslow Law LLC
(sdk@koslowlawllc.com); Brian Brandstetter
Subject: RE: Urban 8 Matters (Chicago)

Counsel,

We have reviewed your email, including with local counsel Stephen Koslow, but cannot find a basis for the request in either the Federal Rules of Civil Procedure or the Internal Operating Procedures of the Court (copy attached).

Presumably, the fact that a motion was heard and is under advisement is not unique to this case, and, based on my experience with similar issues

Executive Committee
United States District Court for the Northern District of Illinois
September 3, 2019
Page 2

upon reassignment of cases to Judge Montgomery in the District of Minnesota when I was clerking there, was most likely considered after the initial slate of reassessments was prepared. In much the same way, the Ohio case was reassigned from Judge Marbley to Judge Morrison, and for the same reasons – the appointment of a new federal district judge – after a motion was under advisement and pending for some time. You did not raise the issue in that case.

The fact that a particular judge has made a significant time investment in a case already can surely be made in numerous cases that were reassigned to Judge Rowland. We had no problem with Judge Durkin and have no problem with the reassignment to Judge Rowland.

Marc A. Al | Partner
STOEL RIVES LLP | Attorneys at Law | 33 South Sixth Street, Suite 4200 | Minneapolis, MN 55402
Direct: (612) 373-8801 | Mobile: (651) 324-9495 | Fax: (612) 373-8881
marc.al@stoel.com | www.stoel.com | [bio](#)

-----Original Message-----

From: Davenport, David <DDavenport@winthrop.com>
Sent: Thursday, August 29, 2019 1:32 PM
To: Al, Marc <marc.al@stoel.com>
Cc: Loukas, Christina Rieck <CLoukas@winthrop.com>; Gordon, Jennifer L. <JGordon@winthrop.com>
Subject: Urban 8 Matters (Chicago)

Counsel

We intend to ask the Court's Executive Committee to reassign both cases back to Judge Durkin. Please advise before noon tomorrow if you agree or disagree with reassignment.

Regards,

David A. Davenport
(612) 604-6716 (w)
(612) 202-1127 (c)

Executive Committee
United States District Court for the Northern District of Illinois
September 3, 2019
Page 3

Defendants stand by the text of Friday morning's email to Mr. Davenport.

Respectfully submitted,

Stoel Rives LLP


Marc A. Al

cc: Hon. Mary M. Rowland (via ECF)
Hon. Thomas M. Durkin (via email to Sandy_Newland@ilnd.uscourts.gov)
All counsel of record (via ECF)
Brian J. Brandstetter, Esq. (via email)